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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 20, 2008

Agenda Item No. 8(P)(1)(JJ)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-1215-08

Subject: Resolution Authorizing the Acquisition of the Designated Property Known as Parcel 39 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Expansion, Beautification and Improvements to SW 27 Avenue, from US 1 to South Bayshore Drive, to be a Public Necessity

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 39 for right-of-way needed for roadway expansion, beautification, and improvements along SW 27 Avenue, from US 1 to South Bayshore Drive, to be a public necessity and authorizing the County Mayor and the County Attorney to employ appraisers, expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject property in fee simple by donation, purchase, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

Scope

The impact of this project will be Countywide; however, the property to be acquired is located within Commission District 7 and the City of Miami.

Fiscal Impact/Funding Source

Funding for the right-of-way acquisition and construction of this project will be provided by the Charter County Transit Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for Commission District 7.

Track Record/Monitor

Not Applicable

Background

This resolution is for the acquisition of Parcel 39 of thirty-five (35) separate parcels needed by the Public Works Department (PWD) for programmed improvements along SW 27 Avenue, between US 1 and South Bayshore Drive. This project consists of the reconstruction and widening of an existing two (2) lane undivided roadway to a three (3) lane roadway including a traffic circle, raised landscaped medians, left turn lanes, bicycle lanes, on-street parking, sidewalks, curb & gutters, continuous storm drainage system, signalization, pavement markings & signing, and decorative roadway lighting. The area to be acquired by PWD for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," attached. These improvements will increase vehicular capacity, improve traffic mobility, provide ADA compliance and multiple modes of transportation, as well as serve as a beautification entrance corridor to Coconut Grove.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: November 20, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(JJ)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(JJ)
11-20-08

RESOLUTION NO. **R-1215-08**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL THIRTY-NINE (39) NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION, BEAUTIFICATION, AND RIGHT-OF-WAY IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE TO BE A PUBLIC NECESSITY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, this Board finds and declares the acquisition of Parcel 39 in fee simple as legally described in Exhibit "A" and shown on the project location map in Exhibit "B" attached hereto and made a part hereof, for the public purpose of roadway expansion, beautification, and right-of-way improvements to SW 27 Avenue from US 1 to South Bayshore Drive to be required and necessary to accomplish such improvements; and

WHEREAS, Miami-Dade County is authorized under the Constitution and Laws of Florida, including Chapters 73, 74, 125, 127 and 341, Florida Statutes, and Sections 1.01 (A) (1), (2) and (21), of the Home Rule Charter of Miami-Dade County, to acquire said property by eminent domain proceedings,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies and adopts those matters set forth in the foregoing recitals and authorizes and directs the County Mayor or his designee and the County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any and all appropriate actions to acquire the subject property in fee simple, as legally described in Exhibit "A" attached hereto and incorporated herein by

reference, necessary and required for improvements to SW 27 Avenue from US 1 to South Bayshore Drive, by donation, purchase, or by eminent domain proceedings, including a declaration of taking, as necessary.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 2008. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

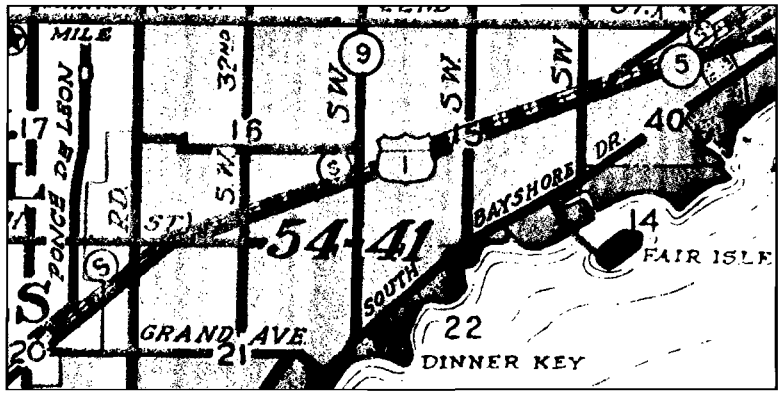
Thomas Goldstein

Miami-Dade County
Public Works Dept.

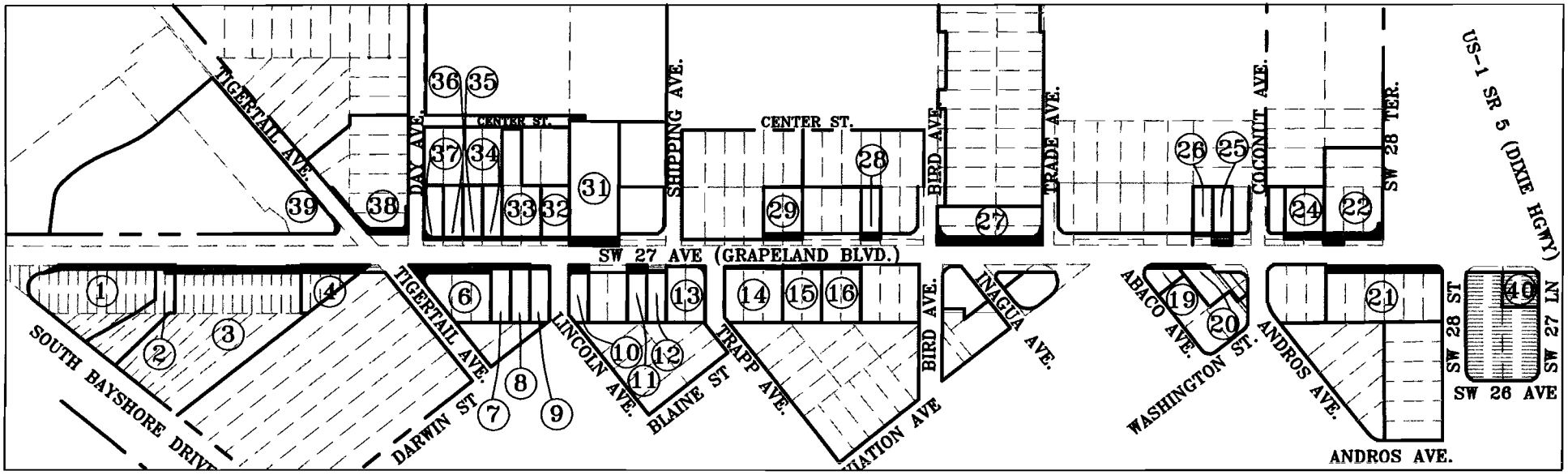
EXHIBIT "A"
SW 27 AVENUE
(FEE SIMPLE)

Parcel No.39: That portion of Tract "A" of RITZ CARLTON, according to the plat thereof recorded in Plat Book 154, Page 34 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
COMMENCE at the Westerly most corner of said Tract A; thence run N47°05'54"E, along the Northwesterly line of said Tract A, for a distance of 475.68 feet to the **POINT OF BEGINNING** being also the point of curvature of a circular curve concave to the Southeast; thence run Northeasterly Easterly and Southeasterly along the said circular curve concave to the Southeast, having a radius of 40.00 feet, through a central angle of 49°38'25", for an arc distance of 34.66 feet to a point of compound curvature with a circular curve concave to the Southwest from which its radius point bears S06°44'19"W; thence run Southeasterly along the said circular curve concave to the Southwest, having a radius of 10.00 feet, through a central angle of 80°49'48", for an arc distance of 14.11 feet to a point of intersection with the East line of said Tract A being also a point of cusp; thence run N02°24'31"W, along the East line of the said Tract A, for a distance of 3.06 feet to a point of curvature of a circular curve concave to the Southwest; thence run Northwesterly Westerly and Southwesterly along the said circular curve concave to the Southwest, having a radius of 15.00 feet, through a central angle of 30°29'35", for an arc distance of 34.16 feet to the point of tangency; thence run S47°05'54"W, along the Northwesterly line of said Tract A, for a distance of 21.05 feet to the **POINT OF BEGINNING.**

SEC 15,16,21&22
TWP 54 S
RGE 41 E



LOCATION MAP Not to Scale



R/W to be acquired by the County

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

SW 27 Avenue
SR 5 (US-1) to S. BAYSHORE DRIVE

MIAMI-DADE

SCALE 1" = 400'
PROJECT 20040337
PREPARED BY: CDS
DATED: 08-29-05